
**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:
TERRY DALE EDWARDS &
FRANCES EDWARDS**

**CHAPTER 7
CASE NO. 10-13654**

CERTIFICATE OF SERVICE OF NOTICE AND MOTION

I, Michael W. Boyd, the attorney of debtor herein, do hereby certify that I have this day electronically filed a Motion to Avoid Lien on Household Goods with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

**Office of the United States Trustee
USTPRegion05.AB.ECF@usdoj.gov**

**Jeffrey A. Levingston
jleving@bellsouth.net**

and I hereby certify that I have mailed by United States Postal Service the document to all creditors and parties in interest listed on the attached creditor matrix.

This the 4th day of August, 2010.

/s/ Michael W. Boyd

Michael W. Boyd, Attorney for Debtor

**Michael W. Boyd, P.A.
Attorney at Law
Post Office Box 1586
Greenville, Mississippi 38702-1586**

**Telephone: 662-332-0202
boydlawoffice@yahoo.com**

CLF 67bk
(Rev. 02/17/04)

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Cochran U.S. Bankruptcy Courthouse
703 Highway 145 North
Aberdeen, MS 39730
Telephone: 662-369-2596

In Re: Terry Dale Edwards and Frances
Edwards
Debtor(s)

Case No.: 10-13654-NPO
Chapter: 7
Judge: Neil P. Olack

NOTICE IS HEREBY GIVEN that a

6 – Motion to Avoid Lien on Household Goods under Section 522(f)(1)(B)(i) Tower
Loan of Cleveland Filed by Michael W. Boyd on behalf of Frances Edwards, Terry
Dale Edwards. (Attachments: # (1) Proposed Order) (Boyd, Michael)

has been filed in the above caption case.

LAST DAY TO FILE OBJECTIONS OR RESPONSES IS 8/26/10 .

Should any party receiving this notice respond or object to said motion such response or objection is required to be filed with the Clerk of this court and served on the Attorney for Movant on or before said date; otherwise, the Court may consider said motion immediately after the objection or response due date.

Dated: 8/2/10

David J. Puddister
Clerk, U.S. Bankruptcy Court
BY: ALD
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:
TERRY DALE EDWARDS &
FRANCES EDWARDS**

**CHAPTER 7
CASE NO. 10-13654**

**MOTION TO AVOID NONPOSSESSORY, NONPURCHASE MONEY
SECURITY INTEREST AND OTHER RELIEF [DKT# 6]**

COMES NOW THE DEBTOR(S), by and through counsel, and files this Motion to Avoid Nonpossessory, Nonpurchase Money Security Interest and Other Relief in this Cause, and in support of said Motion, would state as follows:

1. Debtor(s) commended this cause by filing a petition for relief under Chapter 13 of Title 11 of the United States Code.
2. Debtor(s) are indebted to **TOWER LOAN OF CLEVELAND** the approximate amount of \$851.00 which is secured by household furnishings and personal possessions which are held primarily for the family household use of Debtor(s). All such possessions of Debtor(s) should be exempt pursuant to the laws of the State of Mississippi. The money owed by Debtor to does not represent any part of a purchase executed by the Debtor(s), and all of the articles so covered remain in the possession of the Debtor(s). The existence of the Creditor's lien on Debtor's household and personal goods impairs exemptions to which Debtor would be entitled under 85-3-1 of the Mississippi Code of 1972, 11 U.S.C. 522 (f) (2) and Owen v. Owen 111 S. Ct. 1933 (1991).

WHEREFORE, PREMISES CONSIDERED, an Order should be entered avoiding the security interest in the Debtor's personal and household goods pursuant to 11 U.S.C. 522 (f) (2), and for such other additional or alternative relief as may be just and proper.

SHOULD ANY DEBTOR DESIRE TO OBJECT TO SAID MOTION TO AVOID NONPOSSESSORY, NONPURCHASE MONEY SECURITY INTEREST AND OTHER RELIEF, OBJECTION MUST BE FILED TWENTY DAYS FROM THE FILING DATE OF THIS MOTION OR AN ORDER WILL BE ENTERED GRANTING THE RELIEF SOUGHT.

Respectfully submitted, this 30th day of July, 2010.

/s/ Michael W. Boyd
Michael W. Boyd, MSB No. 4216

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:
TERRY DALE EDWARDS &
FRANCES EDWARDS**

**CHAPTER 7
CASE NO. 10-13654**

NOTICE OF MOTION

I, **Michael W. Boyd, Attorney for Debtor(s)** herein, do hereby notice the following creditor that a Motion to avoid Nonpossessory, Nonpurchase Money Security Interest and Other Relief has been filed on behalf of Debtor(s):

Tower Loan of Cleveland
410 First Street
Cleveland, Mississippi 38732

NOTICE IS FURTHER GIVEN that all creditors and other interested parties desiring to object to said Motion are hereby required to file written responses within twenty (20) days of the filing of said Motion with the Clerk of this Court:

David J. Puddister, Clerk
U. S. Bankruptcy Court
P. O. Box 867
Aberdeen, MS 39730

and to serve a copy of said responses upon the Attorney for Debtor(s) and the Chapter 13

Trustee:

Michael W. Boyd, Attorney-at-Law
Post Office Box 1586
Greenville, MS 38702-1586

Locke D. Barkley
Post Office Box 55829
Jackson, MS 39296

In the event such written objection or other responsive pleading is not filed within twenty (20) days of the filing of this Motion, said Motion may be determined ex parte by the Court. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

Date: July 30, 2010

/s/ Michael W. Boyd
Michael W. Boyd, Attorney for Debtor

Post Office Box 1586
Greenville, MS 38702-1586
Telephone: (662) 332-0202
Facsimile: (662) 332-0241

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:
TERRY DALE EDWARDS &
FRANCES EDWARDS**

**CHAPTER 7
CASE NO. 10-13654**

CERTIFICATE OF SERVICE

I, Michael W. Boyd, Attorney for the Debtor herein, do hereby certify that I have this day electronically filed the above and foregoing Motion to Avoid Nonpossessory, Nonpurchase Money Security Interest and Other Relief with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

Office of the United States Trustee
USTPRegion05.AB.ECF@usdoj.gov

Locke D. Barkley
sbeasley@barkley13.com

and I hereby certify that I have mailed by United States Postal Service the document to the following non-ECF participants:

Tower Loan of Cleveland
410 First Street
Cleveland, Mississippi 38732

This, the 30th day of July, 2010.

/s/ Michael W. Boyd
MICHAEL W. BOYD

Michael W. Boyd, Attorney-at-Law
Post Office Box 1586
Greenville, MS 38702-1586
Telephone: (662) 332-0202
Facsimile: (662) 332-0241

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:
TERRY DALE EDWARDS &
FRANCES EDWARDS**

**CHAPTER 7
CASE NO. 10-13654**

**ORDER AVOIDING NONPOSSESSORY
NONPURCHASE MONEY SECURITY INTEREST (DKT # 6)**

THIS CAUSE HAVING COME ON THIS DAY on hearing on Debtor's Motion to Avoid Nonpossessory, Nonpurchase Money Security Interest [Dkt. # 6], filed against TOWER LOAN OF CLEVELAND, and the Court, having considered said Motion and finding that no responsive pleading being filed, finds it is well taken and should be sustained.

It is therefore Ordered that the lien of TOWER LOAN OF CLEVELAND on the Debtor's personal and household goods be, and the same is hereby avoided pursuant to 11 U.S.C. 522 (f) (2).

SO ORDERED,

Michael W. Boyd, Attorney-at-Law
Post Office Box 1586
Greenville, MS 38702-1586
Telephone: (662) 332-0202
Facsimile: (662) 332-0241

10-13654-NPO Terry Dale Edwards and Frances Edwards
Case type: bk **Chapter:** 7 **Asset:** No **Vol:** v **Judge:** Neil P. Olack
Date filed: 07/29/2010 **Date of last filing:** 08/02/2010

Creditors

BCU Visa
PO Box 660348 (2470818)
Dallas, TX 75266 (cr)

Bolivar Medical Center
901 East Sunflower Rd (2470819)
Cleveland, MS 38732 (cr)

Chase
Po Box 15298 (2470820)
Wilmington, DE 19850 (cr)

Citifinancial
300 Saint Paul Pl (2470821)
Baltimore, MD 21202 (cr)

Citifinancial
1831 Highway 1 South (2470822)
Suite 121A (cr)
Greenville, MS 38701

Cleveland State Bank
110 Commerce Ave (2470823)
Cleveland, MS 38732 (cr)

Credit Collection Serv
3 E Montgomery Xrd (2470824)
Savannah, GA 31406 (cr)

Credit First N A
6275 Eastland Rd (2470825)
Brook Park, OH 44142 (cr)

Firestone
P O Box 81344 (2470826)
Cleveland, OH 44188-0344 (cr)

Franklin Collection Sv
2978 W Jackson St (2470827)
Tupelo, MS 38801 (cr)

Gemb/Belk
Po Box 981491 (2470828)
El Paso, TX 79998 (cr)

Gemb/Gapdc

Po Box 981400 (2470829)
El Paso, TX 79998 (cr)

Gemb/Jcp
Po Box 984100 (2470830)
El Paso, TX 79998 (cr)

GEMB/Lowes
P.O. Box 530914 (2470831)
Atlanta, GA 30353 (cr)

Gemb/Walmart
Po Box 981400 (2470832)
El Paso, TX 79998 (cr)

Gembppbycr
Po Box 981064 (2470833)
El Paso, TX 79998 (cr)

Medical Data Systems I
645 Walnut St Ste 5 (2470834)
Gadsden, AL 35901 (cr)

Nco Fin /99
Pob 41466 (2470835)
Philadelphia, PA 19101 (cr)

Nco-Medclr
Po Box 8547 (2470836)
Philadelphia, PA 19101 (cr)

Paypal Buyer Credit
PO BOx 981064 (2470837)
El Paso, TX 79998 (cr)

Pinnacle Financial Group
7825 Washington Ave (2470838)
Ste 310 (cr)
Minneapolis, MN 55439

Portfolio Recovery Associates
(2470839)
PO Box 12914 (cr)
Norfolk, VA 23541

Sears/Cbsd
Po Box 6189 (2470840)
Sioux Falls, SD 57117 (cr)

Sherwin Williams
PO Box 94943 (2470841)
Cleveland, OH 44101 (cr)

Tower Loan of Cleveland

410 First Street (2470842)
Cleveland, MS 38732 (cr)

West Asset
2703 N Highway 75 (2470843)
Sherman, TX 75090 (cr)

West Asset Management
2703 N Highway 75 (2470844)
Sherman, TX 75090 (cr)

Wfnnb/Stage
Po Box 2974 (2470845)
Mission, KS 66201 (cr)

PACER Service Center			
Transaction Receipt			
08/03/2010 11:44:55			
[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]		[REDACTED]	[REDACTED]